

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

**Peerless Insurance Company a/s/o Bethany Commons, LLC,
et al.**

Plaintiffs

Docket No. 1:09-cv-121-LM

- v. -

**Lennox Industries, Inc., Warren Technology,
Inc., and USI-Ultra Services, Inc.**

Defendants

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, the parties to the above-entitled action hereby stipulate that said action be dismissed without prejudice only with regard to the action against Lennox Industries and Warren Technology, Inc, under Docket No. 1:09-cv-121-JM. The action against USI-Ultra Services, Inc., and the primary action against NuTone, Docket No. 1:08-cv-81-PB, still remain.

The parties shall pay their own costs and attorneys' fees associated with this dismissal.

Respectfully submitted,

**Peerless Insurance Company a/s/o Bethany
Commons, LLC; et al.**

By their Attorneys,

Dated: July 6, 2010

By: /s/ Andrew D. Dunn
Andrew D. Dunn, Esquire (NH Bar #696)
Devine, Millimet & Branch, P.A.
111 Amherst Street
Manchester, NH 03105-0719
(603) 669-1000
ADunn@DevineMillimet.com

Mary Ann Dempsey, Esquire
Wiggin & Nourie, P.A.
670 N Commercial St, Ste 305
PO Box 808
Manchester, NH 03105-0808
(603) 669-2211
mdempsey@wiggin-nourie.com

and

Virginia M. Markovich, Esquire
CLAUSEN MILLER, P.C.
One Chase Manhattan Plaza
39th Floor
New York, New York 10005
(212) 805-3900
vmarkovich@clausen.com

SO ORDERED, this 7th day of July, 2010

/s/ Landya B. McCafferty
Magistrate Judge Landya B. McCafferty
United States District Court

CERTIFICATE OF SERVICE

I hereby certify that the foregoing notice was served on the following persons on this date and in the manner specified herein:

Electronically Served Through ECF:

Frank W. Beckstein, Esquire – FBeckstein@NKMS.com
Mary Ann Dempsey – mdempsey@wiggin-nourie.com
Christopher A. Duggan – chris.duggan@smithduggan.com
David W. Johnston, Esquire – johnstond@dejlawfirm.com
Lee Stephen MacPhee, Esquire – LMacPhee@MorrisonMahoney.com
Virginia M. Markovich – vmarkovich@clausen.com
Gordon A. Rehnborg, Jr. – grehnborg@wiggin-nourie.com
Tamara Lee Ricciardone – tricciardone@smithduggan.com
Arpiar G. Saunders, Jr. – asaunders@shaheengordon.com

Dated: July 6, 2010

By: /s/ Andrew D. Dunn
Andrew D. Dunn, Esquire (NH Bar #696)
ADunn@DevineMillimet.com

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